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April 28, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Application No. 08/915,004
Filed: August 20, 1997
Title: Novel Proteins and Methods for Producing the Proteins
Applicants: Masaaki GOTO *et al.*
Atty. Docket: 16991.010

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. an Applicants' Inquiry Concerning Suspension of Action by the Examiner Pursuant to 37 C.F.R. 1.103 and MPEP 709; and
2. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16991.010. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Danielle Edwards

David R. Marsh (Reg. Attorney No. 41,408)
Dawn Gardner Krosnick (Reg. Attorney No. 44,118)
Danielle M. Edwards (Reg. Agent No. 51,645) *

* Admitted to practice in Virginia and before the United States Patent and Trademark Office; practicing law in the District of Columbia pending approval of application for admission to the D.C. Bar and under the supervision of attorneys who are members in good standing of the D.C. Bar.

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Masaaki GOTO *et al.*

Appln. No.: 08/915,004

Filed: August 20, 1997.

For: Novel Proteins and Methods for Producing
the Proteins

Art Unit: 1636

Examiner: Michael Pak

Confirmation No.: 9564

Atty. Docket: 16991.010

**Applicants' Inquiry Concerning Suspension of Action by
the Examiner Pursuant to 37 C.F.R. 1.103 and MPEP 709**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to a communication mailed March 21, 2001, the period of suspension for the above-referenced application has remained in effect due to a potential interference.

On July 31, 2002, Applicants submitted an inquiry requesting a status update of this application. Subsequent inquiries requesting a status update of this application were filed on October 7, 2002, December 20, 2002, March 5, 2003, and May 27, 2003, and a Petition to the Commissioner requesting status was filed on June 19, 2003.

On December 16, 2003, a Decision on Petition regarding this application was issued (copy attached). According to the Decision, the application was to be forwarded “[w]ithin a few days” to the Board of Patent Appeals and Interferences (BPAI) to determine whether an interference would be declared. Applicants have received no further communication from the U.S. Patent and Trademark Office since the Decision was issued.

On April 1, 2004, Applicants’ representative contacted the BPAI and were informed that the application was sent to BPAI but was sent back to the Technology Unit in January 2004. Applicants’ representative then contacted Examiner Pak who said that the file was with his

supervisor, Yvonne Eyler. Applicants hereby respectfully request that a status update be provided to the undersigned as soon as possible.

Additionally, Applicants would like to point out that a substitute specification, a substitute sequence listing, and formal drawings were filed on February 17, 2004.

Respectfully submitted,

Danielle Edwards

David R. Marsh (Reg. Attorney No. 41,408)
Dawn Gardner Krosnick (Reg. Attorney No. 44,118)
Danielle M. Edwards (Reg. Agent No. 51,645)

Date: April 28, 2004

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